

**Manatee Protection Plan Review Committee (MPPRC)**  
**Minutes of December 3, 2008**

**Committee Attendees:** Brett Bibeau; Richard Bunnell; T. Spencer Crowley III; Judith Futerfas; Lynda Green; Alberto Lamadrid; Mark Lewis; Kate L. Mansfield, Ph.D.; Manny Prieguez (Chair); Dick Townsend (Vice Chair); Julia Zaias, Ph.D.

**County Staff Attendees:** Lee Hefty (DERM); Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Molly Messer (DERM); Forrest Shaw (DERM); Nancy Revilla (DERM); Kevin Asher (MDPR); Lubby Navarro (Office of the Chair, BCC)

**Other Attendees:** A sign in sheet was provided for public sign in.

1. **A quorum was established:** The meeting agenda is made a part by reference hereto. The meeting was called to order by Chairman Manny Prieguez at 1:10 P.M. The meeting was recorded on video.
2. **Data Collection Status Update:** Dr. Markley provided a brief update on the Mote Study and indicated that the study was continuing according to the schedule. She then explained two handouts distributed to the committee in the meeting. The first handout was a letter to DERM from the Florida Fish & Wildlife Conservation Commission (FWC) dated November 18, 2008 responding to a request for information concerning "*manatee mortality in Miami-Dade caused by commercial vessels in comparison to recreational vessels*". The letter explains that there are no specific instances where the types of vessels that have caused manatee mortalities in Miami-Dade County, but that on a statewide basis, vessels of all types and sizes, ranging from small outboard motor boats to large displacement-hull ships or barges have been implicated in manatee strikes. The FWC recommends that that committee focus on a combination of management strategies to avoid vessel strikes from all vessel types, rather than specific vessel types. The second handout was a table summarizing observations of vessel launches and arrivals at Black Point Marina wet and dry storage slips collected by DERM staff on two weekend days (July 20, 2008 and November 15, 2008). Launch rates for wet and dry slips were generally similar, though size classes of vessels differed, and the dry storage barn generated a larger number of vessel launches due to its size. A discussion ensued about the data collection process, interpretation of data, and launch rates. Dr. Markley also cautioned the committee members about extrapolation of the data because the data set collected is limited.
3. **Discussion of Revisions proposed by committee members to the Manatee Protection Plan:**  
At the October 2008 meeting, Chair Prieguez requested that each member submit three ideas in writing for recommended MPP revisions. The comments were compiled by DERM and are attached hereto as part of the minutes. Chair Prieguez acknowledged that a few members of the committee had presented their ideas at the October meeting. Each member who had not already discussed their ideas presented their points to the committee. Discussions occurred related to some of the ideas presented.

At the end of the discussions, Mr. Bibeau referenced a BCC Resolution No. R-536-05 passed May 3, 2005 that directs the County Manager to prepare policies for the determination of the number of unused existing legal boat slips for particular properties and the reallocation of those slips to another property on the Miami River. Mr. Bibeau requested that DERM provide him a written policy prepared as per the resolution.

Lee Hefty (DERM Assistant Director) responded that a written description of the slip transfer policy has been included in documents presented to the Board of County Commissioners and can be provided to Mr. Bibeau.

Dr. Zaias then questioned the emphasis on slip transfers, given the FWC's letter copied to all of the Counties' with MPPs advising that FWC would not recommend approval of methodologies involving slip pool allocations or transfers in the near future. Discussion of the letter followed. Dr. Zaias reiterated that if the MPPRC is going to spend a great deal of time discussing the slip transfer concept, then it needs to be based on data.

Finally, Chair Prieguez established that time will be allowed on next month's agenda for the remaining members, Mr. Karl and Mr. Gardner, to present their points.

#### 4. Public Comment

**Bob Weinreb**, representing the City of Miami Administration, expressed the City's desire that the committee carefully consider water taxi options and locations in the downtown area, taking into account any impacts to manatees and critical areas that should not have high traffic. Mr. Weinreb asked the committee to look at ways to "make it work" and for DERM's assistance in identifying areas that are suitable. Several committee members asked Mr. Weinreb questions, including requesting data about the slip counts and activity of wet and dry slips in the Dinner Key area. Mr. Weinreb stated that he could provide an annual count of the number of wet and dry slips throughout the City, as well as documentation as to how many boats come and go from the dry slips.

**Orin Black**, Vice President of Marilyn Properties, read a prepared statement to the Committee. It is attached hereto and incorporated into the minutes in its entirety. He suggested that more slips are needed on a countywide basis and that methods such as those included in the Broward County MPP should be considered. Mr. Black noted his concerns with limits on the number of slips at his facility, which he described as a mega-yacht facility on the Miami River.

Dr. Markley commented that the current MPP does not place a limit on the Miami River for large-vessel docking and that there may be other factors limiting the number of vessels at the property, such as the amount of space available or whether the vessels would encroach into the Federal channel. She further stated that the current plan would allow for expansion of the type of facility that he is describing on the River. DERM's Assistant Director, Lee Hefty, stated that MPP addresses the issue of large vessels on the Miami River by requiring fendering. Mr. Hefty recommended that Mr. Black contact Lisa Spadafina of DERM's Coastal Resources Section to discuss the issue of permit conditions.

**Ed Swakon**, President of the Marine Council, expressed that, while he does not consider the MPP a failure, he does think that there are a number of modifications that it needs to make it a more useable document for the boating public. Mr. Swakon reiterated recommendations that he has made in previous meetings concerning a process for slip transfers and retaining existing facilities descriptions. He further recommended that the committee should not use the Broward County Manatee Plan slip pool as a model for expansion because the allocations have already been used up in some areas. Mr. Bunnell requested that Mr. Black and Mr. Swakon provide their comments in writing. Dr. Markley suggested that if they had written comments that could be provided to staff then they could be included as a part of the record.

5. **Review of draft minutes of October 1, 2008 & November 5, 2008 meetings:**  
Chair Prieguez asked whether the October or November minutes required any discussion.

Brett Bibeau asked to be recognized. He said that the instructions provided to committee by the County Attorney's Office state that the meeting minutes may be general, but that the motions made during the meeting must be clearly reported. He then stated that motions that he had made in the October meeting regarding revisions to the minutes of earlier meetings, but which had failed, were not detailed satisfactorily in the minutes, and that he requested revisions to reflect the resolutions.

Mr. Bibeau made a motion to revise the portion of the draft October minutes (page 4) concerning a motion he made at the October meeting related to data slides that were presented in July 2008 to specifically include his stated interpretation of the data.

After staff requested that the motion be clarified, Mr. Bibeau restated the motion as follows: "the slides were provided entitled '**County Boat Ramp Launches 2007**' and the second slide entitled '**Manatee Deaths By Month All Causes 1996-2007**' when you compare the two, the data reflects that the months with the most boat launches have the least deaths and the months with the least boat launches have the most deaths." Mr. Bibeau further clarified his motion by stating "...to replace the word 'statement' with the statement I just made."

The motion was seconded by Alberto Lamadrid and it passed with a unanimous vote.

The second motion made by Mr. Bibeau related to the portion of the draft October minutes which refers to the third motion that he made in the October meeting, which related to proposed revisions to the minutes of the July 2008 meeting regarding corrections of duplications and omissions of facilities on the list of facilities operating in 1995.

Following a request from Dr. Markley to clarify the statement, or phrase it in the form of a motion, Mr. Bibeau stated his motion to revise the October minutes as follows; "...I move to amend the October minutes, page 5, to specify and list the five names proposed to be deleted. Number 1 – Flamingo Marina; Number 2 –

TCY Limited; Number 3 – International Yacht Harbor; Number 4 - Deering Bay; Number 5 - Lewis Yacht Center...(Chair Prieguez interjected “Okay, those are the five...”)... being proposed to be deleted.”

Chair Prieguez clarified “Okay, those are the 5 facilities that are being proposed to be deleted that were not mentioned by name in the minutes, that were reflected in October 1<sup>st</sup> from the July meeting that it got denied...and uh, so that is the motion.”

Motion was seconded by Mr. LaMadrid

Dr. Markley requested discussion and was recognized by Chair Prieguez. Dr. Markley stated that it's very important and legally required that motions be clear and specific, therefore they should be articulated in a way that it can be transcribed by DERM staff. She further stated that if there is some kind of lack of clarity in the motion maker's statement or a characterization that will confuse people then staff has concerns about recording it properly and about the impressions that might be created about the meetings.

Chair Prieguez stated that he understood clearly what Mr. Bibeau's motion was and that if anyone was confused that Mr. Bibeau would restate it. Chair Prieguez then asked the committee if he needed to restate it for any of the members. None of the committee members asked for him to restate the motion and Chair Prieguez called the vote.

The motion passed unanimously.

Another motion was then made by Mr. Bibeau to amend the draft October minutes to include statements made in presentations by Miami-Dade County Marine Patrol and City of Miami Marine Patrol concerning their on-water coverage of the Miami River.

Mr. Bibeau's motion was as follows: “Under the review of...I'll start with the County, the Miami-Dade Police Marine Patrol, number 3, inserting what they stated on the record is that on the Miami River they have 1 to 2 officers, seven days per week only on the County's one mile of the River. That is totally omitted from the minutes. It's a one sentence addition and um, I'll put them both into one motion...and Part 2 of the motion is that the City of Miami, which has...City of Miami, Sgt Gonzalez was up for maybe 5 minutes, let's say, he's got a one sentence summary...so adding one sentence to the City of Miami, which is that they have 2 officers 5 days per week 11 hours per day on the Miami River in the City's 4 miles on the River. So, adding those...one sentence under the County section and one sentence under the City's section that reflects that part of the discussion which was on the tape...which was stated and is an important point about enforcement on the Miami River, if we have 4 dedicated officers there is resources on the River that are not available in other parts of the County and that's an important point that I would respectfully recommend be inserted into the draft minutes. And that's my motion.”

Mr. Bunnell seconded the motion.

A discussion ensued related to what exactly the motion was, the purpose of the motion and which minutes would be modified to reflect the motion.

For clarity, Mr. Bibeau restated the motion as follows: "On page one of the draft minutes under the County Marine Patrol report, inserting one sentence that indicates what he stated on the record, which is that the County has 1-2 officers 7 days per week patrolling the one mile in the County...in unincorporated Dade County of the Miami River...and on page number 2 under the City of Miami report...Marine Patrol report...inserting the component of his statement which was that the City of Miami has 2 officers operating on their 4 miles of the River 5 days per week 11 hours per day."

The motion was seconded by Dick Bunnell.

Judith Futerfas asked how Mr. Bibeau came up with the wording for the motion; whether it was from his notes from the meeting or some other source. Mr. Bibeau stated that he got the wording directly from the recording. Mr. Lewis expressed frustration that motions were being used as a tool to ensure that specific statements which may or may not be valued by the committee as a whole get included in the minutes. Mr. Bibeau responded that he had attempted to have his opinions included in other ways, but was left with no choice but to have them recorded as motions.

Chair Prieguez called the vote

Motion 3 failed by a vote of 6 to 5 as follows:

Brett Bibeau - yes	Bob Karl - absent
Richard Bunnell - yes	Alberto Lamadrid - yes
Spencer T. Crowley III - yes	Mark Lewis - no
Judith Futerfas - yes	Kate L. Mansfield - no
Richard Gardner - absent	Manny Prieguez (Chair) - no
Lynda Green - no	Dick Townsend (Vice Chair) - no
Julia Zaias, Ph.D. - no	

After the vote, Mr. Townsend stated that he would have preferred to see a motion that the DERM staff review the recording of the meeting and copy the statement verbatim. He further stated the he couldn't vote for detailed revisions of statements based on his recall from that long ago.

**Judith Futerfas** made a final motion relating to the portion of the draft October minutes where enforcement fines were discussed as follows:

"I move to note that I (Judith Futerfas) had mentioned whether we wanted to put a specific amount on the increasing fines. "

The motion was seconded by Brett Bibeau

Chair Prieguez called for the vote.

The motion passed by a vote of 8 to 3 as follows:

Brett Bibeau - yes	Bob Karl - absent
Richard Bunnell - yes	Alberto Lamadrid - yes
Spencer T. Crowley III - yes	Mark Lewis - no
Judith Futerfas - yes	Kate L. Mansfield - yes
Richard Gardner - absent	Manny Prieguez (Chair) - no
Lynda Green - yes	Dick Townsend (Vice Chair) - yes
Julia Zaias, Ph.D. - no	

T. Spencer Crowley left the meeting during a discussion amongst the committee member relating to the final version of the October minutes.

**Dr. Julia Zaias** then made a motion to approve the October minutes as amended by the approved motions. The motion was seconded by Dr. Kate Mansfield.

Chair Prieguez called the vote to approve the draft October minutes.

The motion passed unanimously among the remaining members.

Chair Prieguez then requested comments on the draft November minutes.

**Brett Bibeau** made the following motion: "I move them with no amendments for discussion."

The motion was seconded by Dr. Julia Zaias.

Mr. Bibeau commented that there were several committee members who made comments under number 6 in the draft November minutes, but none of those comments were included. He then stated that the committee members weren't concerned about that so he moved them "as is."

Chair Prieguez called for the vote and the motion passed unanimously among the remaining members.

6. Proposed date for next regular meeting:  
**Monday, January 26, 2009 12:30 P.M. - 4:30 P.M.**

The draft agenda will include at a minimum:

- Presentation of recommendations by Mr. Karl and Mr. Gardner
- Additional information from DERM staff about recommended changes to the MPP
- Presentation on DERM regulatory staff relating to existing policy and procedure for historical use and request for transfers.

Ms. Futerfas requested that a future meeting include a tour of the Miami River. Dr. Markley said that this is possible as long as a boat is chartered so the public is able to attend.

The meeting adjourned at 5:00 P.M.

MPPRC "Three Ideas per Member" Draft Master Compilation  
November 5, 2008 Meeting Assignment  
(alphabetical order)

**BRETT BIBEAU**

Boat slip bank/transfer of boat slips on Miami River was adopted by Board of County Commissioners after Manatee Protection Plan's adoption, therefore new approved ability to transfer slips should be inserted into the plan.

**RICHARD BUNNELL**

Allow the use of dry slips (do not count as wet slips) where No Wake zones render adjacent waters safe. Provide relief (dry stack slips) for working waterfronts on the Miami River that are incapable of yielding a reasonable return due to current slip policy limitations.

Allow for expansion of existing marinas (such as Black Point and others where area is available).

Modify rule on single family docks regarding the two vessels limit and jet ski designation (Plan says can't increase boat slips).

**SPENCER CROWLEY**

MPP should address build-out of existing city/county marinas which already have supporting upland infrastructure in place.

MPP should have clear and specific authorization for water taxi docks at various locations around the county.

MPP should allow publicly accessible, government operated "day docks" (no or limited overnight usage) at strategic locations throughout the county to allow the boating public to access upland facilities/attractions/restaurants. Example, docks should be incorporated into Museum Park downtown, along the Miami River, etc.

MPP needs to be more clear in places. I am concerned after having listened to the proceedings of the committee over the past several months that DERM may have too much discretion in interpreting the plan, without sufficient standards for determining how certain decisions should be made. If this is the case, it is not only legally suspect but gives the public a bad impression of how government operates. I think the plan could be more clear in places without increasing or decreasing regulation of manatees, and this additional clarity would help eliminate some of the acrimony and contempt which seems to exist between DERM and some members of the regulated public, perhaps the county attorney staffing the committee could weigh in on this particular issue?

## JUDITH FUTERFAS

General goal MPP: Decrease number of mortalities and ensure long term protection for manatees in MDC.

### 1) Education:

#### Boater:

Since enactment of Florida's current boater laws requiring education for those 21 years and younger, boating accidents have gradually decreased...Boaters 36 years and older cause over 59% of accidents... (MMP 259, 260)

---continue mandatory education for those 21 years and under...also,

---gradual implementation of mandatory boater education classes beginning with those 36 years and over

---classes to include fundamentals of manatee biology, habitat needs, threats to manatees, and manatee population data including reproduction, history of manatee count methodology, and concepts regarding minimum viable population

---classes in Spanish, Creole as needed

#### Public and Private School:

Endangered species education to be taught in science class and required each year of school 1-12<sup>th</sup> grade. Science classes to include fundamentals of manatee biology, habitat needs, threats to manatees, and manatee population data including reproduction, history of manatee count methodology, and concepts regarding minimum viable population.

Lessons to increase in length of time and depth of explanation each year. Endangered species related topics to be taught no less than 50% of science class time cumulatively. (MPP 73, 101)

### 2) Habitat:

#### Warm water:

Learn more about MDC's role, if any, in long-term plans to deal with decreasing manatee warm water habitat. What is the time frame for this loss? ...Decrease in warm water habitat (artificial and natural) and watercraft caused deaths are the two most prominent future threats... (MMP 35; Runge et al. 2007b)

...Even if manatee population did shift, this raises the question of carrying capacity of extreme S. FL in winter...It is not currently known if a huge influx of manatees can be supported during the winter months by the existing warm-water habitats...What possible



mgmt changes such as boat speed regulation and safe havens might be needed if those manatees presently wintering in Central FL begin wintering in S FL?...(MMP 57)  
...What, if any, is MDCs role in contingency plans in case of unexpected loss of a specific source of industrial warm water... (MPP 16; MMP 193)

Other habitat:

Status of seagrass beds, fresh water sources, other aggregation areas, travel corridors, aquatic preserves, refuges, sanctuaries, water quality, mosquito control/pesticides, aquatic plant control/herbicides. (MPP 10-22, 77-80)

### 3) Objectives:

Status of Objectives 1-4 (MPP 105-106)

Objective 10

Only shoreline and submerged land development is addressed in this Plan...although other development may cause impacts...(MPP 87, 111)

Do we have information on other development/factors that may cause impacts?

DAVID GARDNER

In what way within the existing frame work of regulations can we provide more boating assess to the water? For example if we can get greater law enforcement in an area would that allow for greater slip densities and boating destinations in that area?

LYNDA GREEN

After reading the data submitted and after listening to those agencies who have spoken, it is my opinion that the Manatee Protection plan should remain exactly as it is. It has worked and is viable in protecting manatees.

Now having said that, there is much discussion about dry slips and fewer restrictions on the Miami River. More dry slips do have impact on manatees. It is not the number of boats in dry storage but the number of boats which are launched in the Miami River which increase the number of trips in the river which increase the number of boat strikes on manatees. If anything, there should be stricter restrictions on the River not fewer. If this continues to be a discussion, then I would like to see the necropsy reports on manatees that have died in the River as well as data supporting where these manatees go in the River and how they use it. The Miami River is a narrow busy working river. Already, it is hard for the manatees to navigate. How much more can they take? There has been discussion of Water Taxis. To have water taxis in a river that is already maxed out with boats is not supportable in a place where manatees aggregate. People can go to their places in a car instead of putting the manatee in harm's way with another water craft with which to deal. There has been talk that more enforcement will prevent manatee mortality. There is no data to support that, but if this is a concern, then perhaps we

should discuss a plan where each business would contribute a 'user fee' for 24 hour protection. Those who use the River should pay.

In the future, for more marinas to be built, we should discuss the places that will not impact manatees and places where boats can have quick access to open water; places which do not have a history of manatee aggregation and which are not manatee zones. Let's not discuss things of which we have no control such as prop guards, acoustic devices, power plants, all of which have been discussed by agencies on the State and Federal level. They are the experts. Prop Guards and acoustic devices do not work and there is much documentation over the years to support that. Let's focus on issues that are pertinent for our local plan. Perhaps we can have an open informal discussion on the topics of which we have control without getting caught up on inappropriate details which are not in our scope and are a waste of time for the committee and for our goal.

#### BOB KARL

The single most important suggestion I have----- is to bring down the language in certain analyses to the common man's understanding---make clear the points that are to be made to save this mammal from the common unthinking boater---and put this statement in an epilogue at the conclusion of the manatee protection plan book thus referencing all needed material in a clear and unambiguous outline-----and to make it clear to those who wish to expand boaters waterways that this program is in place and that our concerns are real-----and also make clear that we are not here to help commercial interests like water taxi's who no doubt has a friend somewhere in the political system and will get the contract----I personally am not interested in hearing about the space of water taxi's or other commerce being done at anyone's expense----this includes the manatee's---I strongly resent the idea of this committee that I sit on being referenced the way it was in the Biscayne Times the way it was written up in October of 2008-----we certainly do not measure our friend's intelligence to determine his humanity---nor should we measure the intelligence of the gentle manatee who is at the mercy of homosapien---we are supposed to be civilized people who help those less fortunate....IN SHORT-----DO NOT CHANGE THE PROTECTION PLAN AS WRITTEN THOSE THAT HELPED WRITE THIS PLAN LIKE MR. HARVEY RUVIN SPENT GOOD TIME ON IT AND IF ANYTHING THE PLAN SHOULD BE EVEN MORE PROTECTIVE IN THE BAY AREAS-----IT IS COMMON TO SEE THE STRETCH OF WATER BETWEEN BROAD CAUSEWAY AND JFK (79TH ST.) CAUSEWAY BEING USED FOR A 100MPH TESTING GROUND-----I PERSONALLY WITNESS 3 YEARS AGO A SPEEDING BOATER FLIP HIS BOAT UPSIDE DOWN ADJACENT TO PELICAN HARBOUR MARINA IN THE WATERWAY (ICW)

#### ALBERTO LAMADRID

Renew the slip count per property as per the initial 1984 list to an actual new list 2008. In other words review new property slip requirements.

Separate the concept of dry slip and wet slips to be a total to deal with wet slips to properties.

Performance Criteria (from 5): A) maximum buildout to change to 20 slips to 100 feet of contiguous shoreline; B) eliminate the word “not” in section #2 to the word “can”; and C) #9 eliminate occupancy 85% criteria to a lesser percentage or not at all.

#### MARK LEWIS

Update the Manatee Use maps for Miami-Dade County, and use these updated maps to update the Protection Guidelines for Essential Manatee Habitat.

Utilize updated maps (described above), in conjunction with updated Boater Destination data, to determine:

- Locations where new marine facilities could be appropriate;
- Locations where existing facilities could be expanded;
- Locations where existing facilities could be reduced;
- Locations where existing facilities could be eliminated.

Utilize the updated maps (described above) to recommend to the State, locations where the Manatee Protection closure zones or low speed zones should be modified.

#### KATE MANSFIELD

CHAPTER I: If time (and personnel) permits, include a dedicated biology and behavior section in addition to the habitat (etc.) section—or perhaps as a subheading of the habitat section. Currently, these data/info are scattered throughout the plan.

CHAPTER II or III: Include a table listing the old plan's objectives and policies and check (Y/N?) what objectives of old plan have been met and what objectives have not (with a column for explaining perhaps why along with details in the accompanying text). A checklist and perhaps timeline (then/now - when etc) would be helpful in identifying areas that need to be strengthened or are no longer of immediate need/priority. For example: flood gates - then vs. now = no longer as large of an issue due to the actions taken since the last plan.

CHAPTER III or IV: a clear section stating what data gaps--specific to Miami-Dade County and surrounding waters--are still in existence. This would include instances where, due to new conditions, new data gaps have

arisen.

#### MANNY PRIEGUEZ

Ability to transfer wet slips among properties within a given region

Potential bank of slips that emanate from old facilities that are no longer active. These slips will be disbursed according to a developed formula.

#### JULIA ZAIAS

In Dade county waters since 1995 MPP, data indicate that manatee mortality/injury is primarily due to interactions with boats. (The recommendations and adjustments to flood gates have been implemented and successful in reducing mortality.) Thus, the first focus is to define the reasons for the interactions (eg., too many boats, boats in manatee dense areas, boaters not following laws, or combinations thereof etc) and then propose remedies to rectify these issues. All recommendations should be based on data obtained over the past 13 years. Included under this topic are:

- boat co-occurrence in hi density manatee areas;
- boat co-occurrence in areas of high manatee mortality or injury causes of mortality and injury from boats;
- law enforcement of speed zones and laws (to avoid manatees and habitat areas);
- signage appropriateness, sign maintenance.

Education of boaters (private boat owners and rental boats) and people who make a living off the water (eg., marina owners, etc) is critical and should be further developed. Many recommendations are listed in the 1995 MPP Objective 11; many of these seem reasonable, but I'm not sure if any of these has been implemented or not. If not, I suggest these be emphasized. Specifically include seagrass areas not to traverse when rent boats.

Marina growth, expansion, and new sites should be considered in relation to the effect they will have on manatees and based on data (factors including but not limited to: shading of seagrass habitats, placement in areas of high manatee concentration, residual sediment contamination from oil, gas, etc, and water quality, etc).

Support efforts to expand research on water quality effects on manatee physiology and reproduction (eg., organic compounds, metals, other toxic compounds that are regularly discharged in water from sewage, boat gas, oil, etc). Potentially use of some of the \$ from speeding fines to further research.

**Comments to Manatee Protection Board**  
**December 3, 2008**

My name is Orin Black and I am Vice President of Marilyn Properties. We are property owners on the Miami River and thus I'm sure you can conclude that I am a special interest. The county commission has made appointments to this panel in order to strike a balance between the industry and the environment. To do this, it is important to hear both view points.

Miami-Dade's Manatee Protection Plan in many ways has been a failure. The obvious primary goal is to improve the population of the manatee. Although the most recent population study by Runge 2004 has shown remarkable improvement across Florida including a 6.2% increase in the St. Johns River area, the Atlantic subpopulation that includes Miami-Dade has been either flat and possibly in decline.

The Manatee Protection Plan was not supposed to limit water access, yet the recreational boater has suffered immensely. The intent was to redirect boat access to open water manatee safe areas, however this has not been executed. The slip data provided to you by DERM, shows slips county wide have grown at 1/2 the pace of the county population (The Lambert Marina Retention Study shows a net loss of slips over last 10 years). Rising demand and limited supply will cause prices to grow. At the private marina's in the county, wet slip contracts are now at \$17.96/lft mo. This is \$480/mo for a modest 22' boat.

The county facilities where prices are controlled are clearly well below market creating shortages. The lead time for a wet slip at Matheson Hammock is now 5 years and 4 years for a trailer slip. Crandon Park is 4 years and 2 years respectively.

The Marine Industry on the Miami River has been caught in the middle of a perfect storm of negative market forces. Aerial sightings and satellite telemetry shows that most manatee's congregate around the airport, tributaries and upper Miami River area, yet the entire 5 mile river is regulated the same. With limited slip counts, businesses have had no way to raise revenues in pace with the rising costs of taxes and insurance. Economic stagnation is rampant with empty lots and vacant warehouses. Many property owners have been forced to sell their properties off to residential condominium developers. The City of Miami recently conducted

a survey of slip counts in the City and found that only 686 remain. Would you move your business to an area of rising costs and declining customer base?

If this board supports the continuation of the same policy, the trend lines are clear. Prices for marina slips will grow exponentially with inventory gone and limited new supply. The common Joe will soon no longer be able to afford access to the water. The recreational marine industry on the river will not be able to keep up with rising costs (even with taxation help from the state) and fall below a survivable scale. They will have to relocate to other counties or disappear. Finally, based on the patterns of the last 10 years it is not clear the Manatee will be any better off.

This board benefits greatly from past experience that the originators of this plan did not have. There are also many other MPP plans that have embraced different strategies to the same problems. This board has the luxury of borrowing from those that have been effective.

There are new and creative solutions now that if embraced by this board would be a win/win for all parties. This board can guide environmentally conscious growth by adding additional slips but requiring new marina's to incorporate the state's clean marina's program and green building practices. Fee's can be charged to theses additional slips that will support mitigation programs, education, and enforcement practices that have proven to be successful in other areas.

For the Miami River, this board can recognize that the risks to manatee's are not the same for the entire 5 mile river. That there are many areas adjacent to deep water channels that are of limited risk and would be acceptable places to add slip supply. The River's numerous bridges provide an opportunity to apply new technologies similar to that used in the Mote Study or at toll roads to ticket speeders, creating greater enforcement and mitigate impact risk.

The manatee, the boater, and the industry all be affected the decisions of this board. It is not a light task. I encourage you to not be satisfied with the past performance and embrace new strategies were they may exist.

Respectfully,

Orin Black